

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RICHARD HALLOCK,

Plaintiff,

- vs -

6:09-CV-1141

UNITED STATES OF AMERICA,

Defendant.

APPEARANCES:

RICHARD HALLOCK
Plaintiff, Pro Se
3965 1st Avenue NW
Naples, FL 34119

HON. RICHARD S. HARTUNIAN
United States Attorney
for the Northern District of New York
P. O. Box 7198
100 South Clinton Street
Syracuse, New York 13261-5165

DAVID N. HURD
United States District Judge

OF COUNSEL:

CHARLES E. ROBERTS, ESQ.
Assistant U.S. Attorney

DECISION and ORDER

Richard Hallock, the named plaintiff, brought this action in October 2009, for the return of certain property. By Report-Recommendation dated July 28, 2010, the Honorable David E. Peebles, United States Magistrate Judge, recommended that plaintiff's claims for recovery of damages for violation of his constitutional rights be dismissed; and further recommended that an evidentiary hearing be scheduled to address the factual issues of whether plaintiff has standing to bring this proceeding, whether the statute of limitations

should be equitably tolled, and whether the defendant remains in possession of the property at issue. The parties have filed objections to the Report-Recommendation.

Based upon a de novo review of the entire file, including the portions of the Report-Recommendation to which the parties have objected, and the recommendations of Magistrate Judge Peebles, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

1. Plaintiff's claims for recovery of damages for violation of his constitutional rights are DISMISSED;

2. This matter is remanded to the Magistrate Judge for an evidentiary hearing to address the factual issues of whether plaintiff has standing to bring this proceeding, whether the statute of limitations should be equitably tolled, and whether the defendant remains in possession of the property at issue.

IT IS SO ORDERED.

Dated: October 13, 2010
Utica, New York.



United States District Judge